

Post

2005

10/509696

S/N 10/509,696

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	NIELSEN et al.	Examiner:	Unknown
Serial No.:	10/509,696	Group Art Unit:	Unknown
Filed:	September 30, 2004	Docket No.:	09663.0074USWO
Title:	LASER SYSTEM		

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 638433016 US  
Date of Deposit: August 12, 2005

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Name: John Junkers

PETITION UNDER 37 C.F.R. §1.47(a)

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

In accordance with the provisions of 37 C.F.R. §1.47(a), Applicant petitions to have the present application perfected by the declaration of inventorship of Niels-Søren Bøgh on behalf of himself and on behalf of Martin Egede Nielsen, a joint inventor who refuses to sign the declaration.

08/18/2005 LLANDGRA 00000069 10509696

03 FC:1464

130.00 OP

The following documents are enclosed:

A Combined Declaration and Power of Attorney signed by Niels-Søren Bøgh. The nonsignature of Martin Egede Nielsen should be treated as Niels-Søren Bøgh signing on behalf of Martin Egede Nielsen (in accordance with MPEP 409.03(a)).

RECEIVED

24 OCT 2005

Legal Staff  
International Division

08/18/2005 LLANDGRA 00000069 10509696  
Sale Ref: 00000006 DAH: 132725 10509696  
01 FC:1463 70.00 DA 130.00 OP

Exhibit A: Danish language copy and English translation letter from Niels-Søren Bøgh to Martin Egede Nielsen dated December 6, 2004.

Exhibit B: The following evidence that Martin Egede Nielsen refuses to execute the application papers: Danish language copy and English translation of registered letter from Eskil Fjord Pedersen to Martin Egede Nielsen dated December 21, 2004.

Exhibit C: Copy of returned mail receipt of registered letter from Eskil Fjord Pedersen to Martin Egede Nielsen dated December 21, 2004.

Exhibit D: Declaration by Eskil Fjord Pedersen dated May 20, 2005 regarding refusal to sign and copy of unsigned declaration.

Exhibit E: Danish language copy and English translation of declarations by Eskil Fjord Pedersen dated July 22, 2005.

Exhibit F: Danish language copy and English translation of declarations by Rex Stemann Larsen dated July 26, 2005.

The last known address of the nonsigning joint inventor Martin Egede Nielsen is:

Svendsgade 5A  
9000 Ålborg  
Denmark

The declaration of Niels-Søren Bøgh on behalf himself and on behalf of Martin Egede Nielsen is enclosed. The signature block of Martin Egede Nielsen is left blank and so in view of the other exhibits should be treated as having been signed by all joint inventors.

The letters and declarations of Exhibits A, B, and D - F demonstrate that Mr. Nielsen was asked a number of times via SMS text messages, registered letters and telephone to sign the declaration for the application. In the letter from Mr. Bøgh to Mr. Nielsen dated December 6,

2004, Mr. Bøgh indicates that he has been unsuccessful in his attempts to reach Mr. Nielsen and requests accurate contact information. In the declaration of Exhibit E dated July 22, 2005, while in the presence of Mr. Pedersen, Mr. Bøgh's attempts to reach Martin Edege Nielsen via telephone and SMS text messages during the month of November 2004 were also unsuccessful. In the registered letter from Mr. Pedersen to Mr. Nielsen dated December 21, 2004, Mr. Nielsen is again sent the declaration and asked to execute the document. The copy of the return mail receipt of Exhibit C shows that the registered letter was sent to Mr. Nielsen. In the declarations of Exhibits D and E dated May 20, 2005 and July 22, 2005 respectively, Mr. Pedersen indicates that Martin Edege Nielsen's brother, Per Nielsen, was contacted via telephone regarding Martin Edege Nielsen's signature of either the declaration or a document attesting to his brother's refusal to sign. Per Nielsen indicated that he would speak with his brother. In the declaration of Exhibit F dated July 26, 2005, Mr. Larsen declares that he has taken over responsibility for the present case and Per Nielsen was contacted numerous times via telephone between the dates of May 30, 2005 to June 18, 2005 to obtain a signature. Following the June 18, 2005 conversation, Per Nielsen informed Mr. Larsen via telephone of the decision not to speak to his brother, Martin Edege Nielsen, regarding the patent matter.

Applicant asserts that numerous efforts have been made to obtain the signature of Mr. Nielsen with respect to the declaration of inventorship of the present application. Mr. Nielsen has refused the numerous attempts. Mr. Bøgh has therefore signed the present declaration of submitted herewith on behalf of himself and Mr. Nielsen. Mr. Nielsen's last known address is presented above.

Applicant, therefore, petitions for entry of the declaration as the declaration of inventorship by the joint inventors.

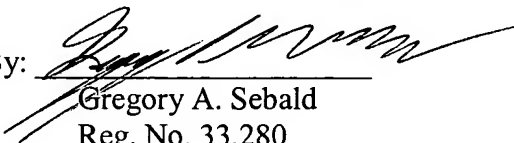
If a telephone conference would be helpful in resolving any issues concerning this communication, please contact the Applicants' primary attorney-of-record, Gregory A. Sebald (Reg. No. 33,280) at (612) 336-4728.

Respectfully submitted,



MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

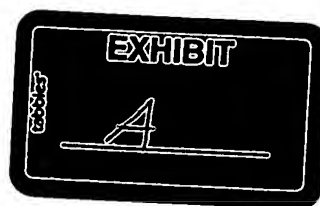
Dated: August 12, 2005

By:   
Gregory A. Sebald  
Reg. No. 33,280

GAS/sbd

Martin E. Nielsen  
Svendsgade 5A  
9000 Aalborg

Esko-Graphics  
Niels-Søren Bøgh  
Lægaardsvej 9  
8520 Lystrup



Lystrup den 6. december 2004

**Vedr. laser patent, internationale patent udstedelser og forsikringsoplysninger**

Jeg har forgæves forsøgt at komme i kontakt med dig vedr. vores patent ansøgning og oplysningerne om dit forsikringsspørgsmål.

**Patent)**

1. Vores patent er blevet godkendt internationalt og der skal nu vælges lande, hvor patentet skal udtages. Vi har valgt EU, USA og Japan.
2. Du skal i den forbindelse sætte et opfinderkryds på et dokument. Dokumentet er vedlagt. Du kan returnere det til Eskil

**Forsikring)**

1. Jeg har undersøgt sagen for dig. Jeg har fundet ud af hvem du skal kontakte etc.

Kan du ikke sende mig en e-mail adresse, så jeg kan videre sende oplysningerne til dig. Jeg har ikke komme i gennem til din SMS etc.

Med venlig hilsen

Niels-Søren Bøgh

## TRANSLATION

Martin E. Nielsen  
Svendsgade 5A  
5 9000 Aalborg

Esko-Graphics  
Niels-Søren Bøgh  
Lægaardsvej 9  
10 8520 Lystrup

Lystrup 06 December 2004

15 **Concerning laser patent, issuances of international patent and insurance information**

I have tried in vain to contact you in respect of our patent application and the information concerning your insurance issue.

20

Patent)

1. Our patent has been accepted internationally and the countries where the patent is to be taken out are now to be selected. We have selected EU, USA and Japan.
- 25 2. In that respect you are to fill out the inventor's checkbox in a document. The document is enclosed. You may return it to Eskil.

Insurance)

- 30 1. I have checked the matter for you. I have found out whom you are to contact, etc.

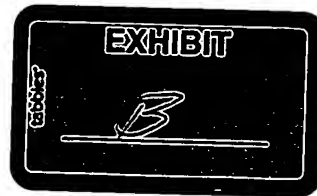
2

Please send me an e-mail address in order for me to send the information on to you. I have not been able to get through to your SMS text message, etc.

Yours sincerely

5 Niels-Søren Bøgh

Martin E. Nielsen  
Svendsgade 5A  
9000 Aalborg



Esko-Graphics  
Eskil Fjord Pedersen  
Lægaardsvej 9  
8520 Lystrup

Lystrup den 21. december 2004

**Vedr. laser patent, internationale patent udstedelser og forsikringsoplysninger**

Vi har forgæves forsøgt at komme i kontakt med dig vedr. vores patent ansøgning. Det er nu den endelige godkendelse af patent det handler om. I USA kræver de at opfinderne skal underskrive dokumentet. Derfor vil vi meget gerne have at du underskriver nu.

1. Vores patent er blevet godkendt internationalt og der skal nu vælges lande, hvor patentet skal udtages. Vi har valgt EU, USA, Japan og Kina.
2. Du skal i den forbindelse sætte din underskrift som opfinder på dokument og returnere det. Dokumentet er vedlagt.

Med venlig hilsen

A handwritten signature in black ink, appearing to be "Eskil Fjord Pedersen".

Eskil Fjord Pedersen  
R&D Manager

## TRANSLATION

Martin E. Nielsen  
Svendsgade 5A  
9000 Aalborg

Esko-Graphics  
Eskil Fjord Pedersen  
Lægaardsvej 9  
8520 Lystrup

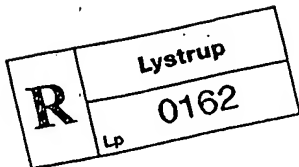
Lystrup, 21 December 2004

### **Concerning: Laser patent, issuances of international patent and insurance information**

We have tried in vain to reach you concerning our patent application. Now, the final acceptance of patent is concerned. In the USA they require the inventors to sign the document. Therefore we would very much like you to sign now.

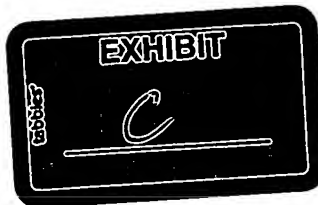
1. Our patent has been accepted internationally and now the countries in which patent is to be taken out are to be selected. We have selected EU, USA, Japan and China.
2. In that context, please sign the document in your capacity of inventor and return it. The document is enclosed.

Yours sincerely  
(signed)  
Eskil Fjord Pedersen  
R&D manager



Esko-Graphics A/S  
Læsgårdsvej 9  
DK-8520 Lystrup

Martin E. Nielsen  
Svendsgade 5A  
9000 Aalborg

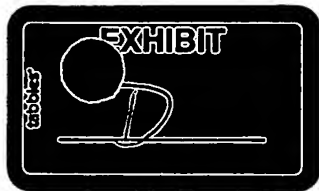


Esko-Graphics

Retur  
8520

<b>Modtager</b>		Martin E. Nielsen Svendsgade 5A 9000 Aalborg	
<b>Afsender</b>		Esko-Graphics Læsgårdsvej 9 8520 Lystrup	
<b>Indleveringsattest</b>		Attest for indlevering af et <input type="radio"/> Almindeligt brev <input type="radio"/> Postoprævningsbrev Der ydes ingen erstatning i forbindelse med bortkomst, beskadigelse eller manglende indhold.	
<b>Forsendelsesmåde</b>		Rekommenderet <input type="radio"/> Værdibrev <input type="radio"/> Beløb i kroner Post Ekspres <input type="radio"/> Postoprævningsbrev <input type="radio"/> "Afkrydes kun i forbindelse med rekommenderet brev eller værdibrev" Pakke <input type="radio"/> Rekommenderet pakke <input type="radio"/> Værdipakke <input type="radio"/> Beløb i kroner Lørdags-eksprespakke <input type="radio"/> Postoprævningspakke <input type="radio"/> Forsigtigpakke <input type="radio"/> Volumenpakke Andet <input type="radio"/>	
<b>Udfyldes af Post Danmark</b>		Posthusets stempel: Lystrup 21 DEC 2004 8520	
<b>Kvittering for moms</b>		Momspligtigt beløb inkl. moms kr. Posthusets stempel Underskrift	

Pakkeetiket sættes på bagsiden. Erstatningsbetydelser - se bagsiden



HSC/SHA

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Lystrup d. 20/5 2005

23 MAJ 2005

Zacco Denmark  
Hans Bekkevolds Allé 7  
2900 Hellerup

Zacco Denmark A/S

Att.: Holm Schwarze

P200200531 VS

FORUOL 300505

Regarding Martin Egede Nielsen and patent no. 10/509696 Laser System

Niels-Søren Bøgh and I have tried several times to get in contact to Martin Egede Nielsen in order to let him sign "Declaration/power of attorney"  
We have used phone, sms, send letters and even send a recommended letter, but Martin Egede Nielsen have not responded.

Latest I have found Martins brother, Per Nielsen. He have promised to talk to Martin, in order to let him sign the declaration, or sign a document that states that he will not sign the declaration.

Per Nielsen told us that Martin is mental ill, and is afraid to what impact the patent will have. He believes that the laser can be used as a weapon etc.

Best regards,

Eskil Fjord Pedersen  
R&D Manger  
Esko-Graphics

# Erklæring

*Declaration*

## Undertegnede

*I, the undersigned*

Martin Egede Nielsen  
Svendsgade 5A, DK-9000 Aalborg, Denmark

som er medopfinder af opfindelsen med titlen

*who am the rightful joint inventor of an invention entitled*

## **Laser system**

for hvilken opfindelse en international ansøgning er indleveret den

*for which an international application has been filed on*

2 April 2003

*under No. PCT/DK2003/00213*

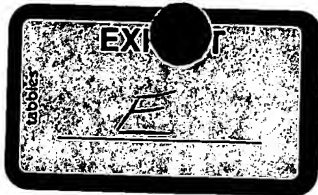
erklærer hermed at jeg ikke ønsker at underskrive yderligere dokumenter i forbindelse med min opfindelse.

*do hereby declare that I do not wish to sign any further documents in relation to said invention.*

Martin Egede Nielsen

-----  
Opfinders underskrift  
*Signature of the Inventor*

-----  
Sted og dato  
*Place and date*



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26 JULI 2005

Låsby d. 22/7 2005

Zacco Denmark  
Hans Bekkevolds Allé 7  
2900 Hellerup

Zacco Denmark A/S

Att.: Holm Schwarze

Vedrørende patentansøgning nr. 10/509696-USA

Jeg Eskil Fjord Pedersen, ansat hos Esko-Graphics siden 1980 som udviklingsingeniør, og siden 1998 til juni 2005 som udviklingschef for R&D CTP Commercial.

Erklærer hermed, at jeg har gjort følgende forsøg på at opnå kontakt til Martin Egede Nielsen.

1. I november 2005 forsøgte Niels-Søren Bøgh ved flere lejligheder at kontakte Martin Egede Nielsen via telefonopkald og SMS beskeder. Dette gjorde han på opfordring fra undertegnede. Jeg overværede forsøgene. Ingen af dem gav svar fra Martin Egede Nielsen
2. Den 6. december 2004 sendte Niels-Søren Bøgh et brev til Martin Egede Nielsen. En kopi af brevet er vedlagt. Brevet fik undertegnede en elektronisk kopi af, inden jeg sendte et anbefalet brev til Martin Egede Nielsen. Der blev ikke svaret på brevet.
3. Den 21. december 2004 sendte undertegnede et anbefalet brev til Martin Egede Nielsen på adressen Svendsgade 5A, 9000 Ålborg. Det anbefalede brev blev returneret af postvæsnet.
4. I maj 2005 kontaktede jeg via telefon Martin Egede Nielsens bror, Per Nielsen. Han fortalte at Martin Egede Nielsen var mentalt meget syg, og han var bange for at Martin ikke ville skrive under, da det kunne få negativ konsekvens for hans sygdom. Per Nielsen lovede at kontakte Martin Egede Nielsen for at få ham til at underskrive deklARATIONEN, eller alternativt et dokument der fastsatte, at Martin Egede Nielsen ikke vil underskrive. Undertegnede udfærdigede med hjælp fra Zacco Denmark et dokument til dette brug.
5. 27. maj 2005 overlod undertegnede den videre sagsbehandling til Rex Stemann Larsen, da jeg mit ansættelsesforhold hos Esko-Graphics ophørte.

Med Venlig hilsen

Eskil Fjord Pedersen

Vedlagt: Kopi af E-mail fra Niels-Søren Bøgh med kopi af brev. (2 sider)

**TRANSLATION**

Låsby 22 July 2005

5

(stamped: Received  
26 July 2005  
Zacco Denmark A/S)

Zacco Denmark  
Hans Bekkevolds Allé 7  
2900 Hellerup

10

For the attention of: Holm Schwarze

Concerning patent application No. 10/509696-USA

15

I, Eskil Fjord Pedersen, employed with Esko-Graphics since 1980 as a development engineer, and from 1998 until June 2005 as a development manager with R&D CTP commercial, hereby declare that I have made the following attempts to reach Martin Egede Nielsen.

20

1. In November 2005, on several occasions Niels-Søren Bøgh attempted to reach Martin Egede Nielsen by telephone calls and SMS text messages. He was prompted to do so by the undersigned. I witnessed the attempts. Neither of them was responded to by Martin Egede Nielsen.

25

2. On 06 December 2004 Niels-Søren Bøgh sent a letter to Martin Egede Nielsen. A copy of that letter is enclosed. I, the undersigned, was given a copy of that letter in electronic form, prior to my sending a registered letter to Martin Egede Nielsen. The letter was not responded to.

30

3. On 21 December 2004 I, the undersigned, sent a registered letter to Martin Egede Nielsen to the address Svendsgade 5A, 9000 Ålborg. The registered letter was returned by the Royal Danish Mail.

4. In May 2005 I contacted Martin Egede Nielsen's brother, Per Nielsen, by telephone. He told me that Martin Egede Nielsen was very ill mentally, and that he feared that Martin would not sign as it might adversely influence his illness. Per Nielsen promised to contact Martin Egede Nielsen to make him sign the declaration or alternatively a document establishing that that Martin Egede Nielsen would not sign. I the Undersigned, assisted by Zacco Denmark, drew up a document for that purpose.
5. On 27 May 2005 I, the Undersigned, handed over the further handling of the case to Rex Stemann Larsen due to my employment with Esko-Graphics ending.

Yours sincerely

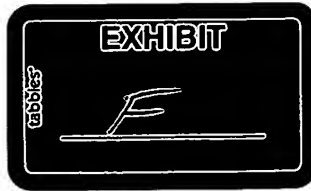
15 Eskil Fjord Pedersen

Enclosed: Copy of E-mail from Niels-Søren Bøgh with copy of letter. (Two pages).

P20020053118

HSC/SHA

Zacco Denmark A/S  
Hans Bekkevolds Allé 7  
DK-2900 Hellerup



26. juli 2005

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27 JULI 2005

Zacco Denmark A/S

Att.: Holm Schwarze

Vedrørende patentansøgning nr. 10/509696-USA

Jeg Rex Stemann Larsen, ansat hos Esko-Graphics A/S siden 1962, teknisk assistent og udviklings-ingeniør og senere som godkendelses ingeniør.

Erklærer hermed, at jeg har gjort følgende forsøg på at opnå kontakt til Martin Egede Nielsen.

1. Jeg overtog arbejdet med at komme i kontakt med Martin Egede Nielsen efter vores Udviklingschef Eskil Fjord Pedersen, som forlod firmaet den 27 maj 2005.
2. Den 30 maj 2005 kontaktede jeg pr. telefon Per Nielsen, som er bror til Martin Egede Nielsen, for at få en underskrift. Der blev svaret, at Per ville drøfte situationen med Pers og Martins forældre, hvorefter jeg skulle høre nærmere.
3. Den 12 juni ringede jeg og rykkede, men der var stadig intet nyt i sagen.
4. Den 17 juni kom jeg igen i forbindelse med Per. Han nævnte at der intet nyt var, og at Martins forældre nu var på ferie i Norge.
5. Efter flere gange forgæves at havde ringet til Per, i perioden op til 18 juni, lovede han nu at tage til Aalborg den 24. juli og tale med deres søster om, hvordan de kunne kontakte Martin Egede Nielsen, og samtidig besøge Martin dagen efter. Men både søsteren og Martin Egede Nielsens socialrådgiver frarådede at bringe patentsagen op overfor Martin, da de frygtede at Martin vil få et alvorligt tilbagefald.
6. Efter disse samtaler besluttede Per, at han ikke ville kontakte sin bror om vores patentsag.
7. Det returnerede brev og postkviteringen er nu hos undertegnede.

Med venlig hilsen

Rex Stemann Larsen

## TRANSLATION

26 July 2005

(Stamped: received  
27 July 2005  
Zacco Denmark A/S)

5

Zacco Denmark A/S  
Hans Bekkevolds Allé 7  
DK-2900 Hellerup

10 For the attention of: Holm Schwarze

Concerning patent application No. 10/509696-USA

15 I, Rex Stemann Larsen, employed with Esko-Graphics A/S since 1962 as  
technical assistant and development engineer and more recently as approval  
engineer, hereby declare that I have made the following attempts to reach  
Martin Egede Nielsen.

- 20 1. I took over the task of contacting Martin Egede Nielsen from our  
development manager, Eskil Fjord Pedersen, who left the company on  
27 May 2005.
- 25 2. On 30 May 2005 I contacted Per Nielsen, who is the brother of Martin  
Egede Nielsen, by telephone to obtain a signature. The response was  
that Per would discuss the matter with Per's and Martin's parents and  
subsequently revert to me on the subject.
3. On 12 June I called to call the matter to mind, but there were still no  
news.
4. On 17 June I once again contacted Per. He mentioned that there were  
no news and that Martin's parents were now on holidays in Norway.
- 30 5. Following several vain attempts at calling Per during the period up till  
18 June, he now promised to go to Aalborg on 24 July and discuss  
with their sister how to contact Martin Egede Nielsen and also to visit  
Martin the next day. However, both the sister and Martin Egede

Nielsen's assigned social worker advised against raising the issue of the patent matter with Martin as they feared it would bring about a serious relapse of Martins condition.

- 5           6. Following these conversations, Per decided that he would not speak to his brother about our patent matter.
7. The returned letter and the mail receipt is now in my possession.

Yours sincerely  
(signed)

10       Rex Stemann Larsen